

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE

JESSICA JONES et al.,

Plaintiffs,

v.

VARSITY BRANDS, LLC et al.,

Defendants.

Civ. Action No. 2:20-cv-02892

**DECLARATION OF NICOLE BERKOWITZ RICCIO IN SUPPORT OF  
DEFENDANTS' MEMORANDUM OF LAW IN RESPONSE TO PLAINTIFFS'  
MOTION TO EXCLUDE JONATHAN M. ORSZAG AND DR. KEVIN MURPHY, IN  
PART**

I, Nicole Berkowitz Riccio, declare as follows:

1. I am counsel to U.S. All Star Federation, Inc. in this matter.
2. Attached as Exhibit 1 is a true and correct copy of the Curriculum Vitae of Jonathan M. Orszag, which is Appendix A of the Expert Report of Jonathan M. Orszag as disclosed by Defendants on September 23, 2022.
3. Attached as Exhibit 2 is a true and correct copy of excerpts from the transcript of Day 2 of the deposition of Jonathan M. Orszag.
4. Attached as Exhibit 3 is a true and correct copy of the Expert Report of Jonathan M. Orszag as disclosed by Defendants on September 23, 2022.
5. Attached as Exhibit 4 is a true and correct copy of excerpts from the transcript of the trial in *U.S. v. Aetna, Inc.*, Case No. 1:16-cv-01494-JDB (D.D.C.).
6. Attached as Exhibit 5 is a true and correct copy of excerpts from the transcript of the trial in *U.S. Department of Justice v. AB Electrolux*, Case No. 1:15-cv-01039-EGS (D.D.C.).

7. Attached as Exhibit 6 is a true and correct copy of excerpts from backup materials to the Expert Report of Jonathan M. Orszag titled “Varsity Ownership of Tier 1 Events\_2011-2012 & 2014-2015.xlsx”.

8. Attached as Exhibit 7 is a true and correct copy of excerpts from backup materials to the Expert Report of Jonathan M. Orszag titled “Varsity Ownership Summary\_2011-2015.xlsx”.

9. Attached as Exhibit 8 is a true and correct copy of excerpts from the transcript of the deposition of Randal Heeb.

10. Attached as Exhibit 9 is a true and correct copy of excerpts from the transcript of the deposition of Janet S. Netz.

11. Attached as Exhibit 10 is a true and correct copy of excerpts from the transcript of the deposition of Jen Maki.

12. Attached as Exhibit 11 is a true and correct copy of excerpts from the transcript of the deposition of James H. Aronoff.

13. Attached as Exhibit 12 is a true and correct copy of Appendix B of the Expert Report of Jonathan M. Orszag as disclosed by Defendants on September 23, 2022.

14. Attached as Exhibit 13 is a true and correct copy of a document with the Bates number BAIN00065145.

15. Attached as Exhibit 14 is a true and correct copy of excerpts from the transcript of Day 2 of the deposition of Kevin Murphy.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 31, 2023.



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Nicole Berkowitz Riccio

# **EXHIBIT 1**

HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY

**Appendix A:**  
**Curriculum Vitae of Jonathan M. Orszag**



## CURRICULUM VITAE

### Jonathan M. Orszag

#### OFFICES:

Compass Lexecon, LLC  
555 12<sup>th</sup> Street NW  
Suite 501  
Washington, DC 20004  
(202) 753-5200 main

Compass Lexecon, LLC  
2029 Century Park East  
Suite 1280  
Los Angeles, CA 90067  
(310) 728-2022 main

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[orszag@law.ucla.edu](mailto:orszag@law.ucla.edu)

#### ONLINE BIOGRAPHIES:

<https://www.compasslexecon.com/professionals/jonathan-m-orszag/>

#### PROFESSIONAL EXPERIENCE:

- **Senior Managing Director**, Compass Lexecon (previously Competition Policy Associates, Inc. (“COMPASS”)) and before that, Sebago Associates, Inc.), March 2000-Present. Manage economic consulting firm specializing in antitrust, economic policy, and litigation matters. Member of the firm’s Executive Committee. Conduct economic and financial analysis on a wide range of complex issues involving mergers, litigation, public policy, and regulations for corporations and public-sector entities. Serve as expert witness in proceedings before U.S. and international courts and administrative agencies and the European Court of First Instance on competition policy issues, including industry structure, vertical relationships, and intellectual property rights.
- **Assistant to the Secretary and Director of the Office of Policy and Strategic Planning**, U.S. Department of Commerce (Washington, D.C.), March 1999-March 2000. Served as the Secretary of Commerce’s chief policy adviser. Responsible for coordinating the development and implementation of policy initiatives within the Department. Worked on a wide range of issues, from implementing the steel loan guarantee program to telecommunications and e-commerce issues. Represented the Secretary of Commerce in meetings with other government officials and outside organizations, and testified before Congress on behalf of the Department on budget and Native American economic development issues.
- **Economic Policy Advisor**, National Economic Council, The White House (Washington, D.C.), August 1997-March 1999; Assistant Director, January 1996-November 1996.

Coordinated policy processes on a wide range of issues, from Social Security reform to job training reform, unemployment insurance reform, homeownership and low-income housing issues, the minimum wage, and Individual Development Accounts. Responsible for helping to coordinate the Administration's daily economic message and to promote (and defend) President Clinton's economic record.

- **Economics Teacher**, Phillips Exeter Academy Summer School (Exeter, New Hampshire), June 1997-August 1997. Taught introductory economics at Phillips Exeter Academy Summer School.
- **Economic Consultant**, James Carville (Washington, D.C.), August 1995-January 1996. Helped James Carville, President Clinton's 1992 campaign strategist, research and write his *New York Times* #1 best-selling book, *We're Right, They're Wrong: A Handbook for Spirited Progressives*.
- **Special Assistant to the Chief Economist**, U.S. Department of Labor, (Washington, D.C.), August 1994-August 1995. Served as an economic aide to the Chief Economist (Alan B. Krueger) and the Secretary of Labor (Robert B. Reich).

#### Volunteer Positions

- **Director of Policy Preparations for Vice Presidential Debate**, Gore-Lieberman Presidential Campaign, September 2000-October 2000. Oversaw policy preparations for Democratic Vice Presidential candidate before his debate with the Republican Vice Presidential candidate.
- **Weekly Commentator**, *Wall Street Journal Online*, September 2004-November 2004. Commented on economic issues during the 2004 presidential campaign. Topics of weekly commentary included jobs, health care, energy, trade, taxes, tort reform, appointments, and fiscal policy.

#### **EDUCATION:**

- Oxford University, M.Sc. in Economic and Social History, 1997.
- Princeton University, A.B. *summa cum laude* in Economics, 1996.
- Phillips Exeter Academy, graduate with High Honors, 1991.

#### **HONORS, PROFESSIONAL ASSOCIATIONS, AND APPOINTMENTS:**

- Phi Beta Kappa, inducted June 1996.
- Marshall Scholar, 1996.
- *USA Today* All-USA College Academic Team, 1996.
- Corporation for Enterprise Development Leadership Award for "Forging Innovative Public Policies to Expand Economic Opportunity in America," 1999.
- *Who's Who in America*, 2001-Present; Also, *Who's Who in the World*; *Who's Who in Science and Engineering*; *Who's Who in Finance and Business*; and *Who's Who of Emerging Leaders*.
- California Workforce Investment Board, 2000-2003.

- California Governor's Technology Advisory Group, 2000-2003.
- Adjunct Lecturer, University of Southern California (Los Angeles, CA), January 2002-June 2002.
- *Global Competition Review*'s "40 under 40: The World's 40 Brightest Young Antitrust Lawyers and Economists," 2004.
- *Global Competition Review*'s "Best Young Competition Economists," 2006.
- *The International Who's Who of Competition Economists*, 2007-Present.
- LawDay Leading Competition Economics Experts, 2009-Present.
- Expert Guides, Best of the Best USA, 2011-Present.
- Fellow, University of Southern California's Center for Communication Law & Policy, 2007-2015.
- FTI Consulting Inc., Founders Award, 2008.
- Senior Fellow, Center for American Progress, 2009-2016.
- Lecturer, University of California at Los Angeles (UCLA), School of Law, 2018-Present.
- Board of Directors, Sebago Associates, Inc., 2000-2007; Competition Policy Associates, Inc., 2003-2006; The First Tee of Washington, DC, 2005-2011; Ibrix, Inc. (Sold to Hewlett-Packard), 2006-2007; JMP Securities, Inc. (NYSE: JMP) (Sold to Citizens Bank Group), 2011-2021; TGR Foundation (formerly Tiger Woods Foundation), Board of Governors, 2012-Present; Children's Golf Foundation, 2013-2017; Friends of the Global Fight Against AIDS, Tuberculosis, and Malaria, 2013-Present; Board of Governors, The First Tee, 2019-Present.
- Clinton Global Initiative, Member, 2008-2016; Grassroot Soccer, Ambassadors Council, 2010-2019; The First Tee, Trustee, 2013-Present; Good+ Foundation, Fatherhood Leadership Council, 2017-Present.
- Member of the American Economic Association, the Econometric Society, the American Finance Association, and the United States Golf Association.

#### **REPORTS, PAPERS, AND NOTES:**

- "Understanding Recent Antitrust Bills: How They Risk Harming Rather than Helping Consumers," with Matt Schmitt and Nathan Wilson, *US Chamber of Commerce*, March 2022.
- "The Role of the Circle Principle in Market Definition," with Bryan Keating and Robert Willig, *Antitrust Source*, April 2018.
- "Toward a More Complete Treatment of Efficiencies in Merger Analysis: Lessons from Recent Challenges," with Loren Smith, *Antitrust Source*, October 2016.
- "State Involvement in a Market Economy: Principles to Guide Interventions and a Discussion about Network Industries," in *Antitrust in Emerging and Developing Countries*, edited by Eleanor Fox, Harry First, Nicolas Charbit, and Elisa Ramundo, *Concurrences Review*, 2016.
- "Tax Reform in The Bahamas: An Evaluation of Proposed Options," with David Kamin, Commissioned by the Commonwealth of The Bahamas, May 27, 2014.

- “The Impact of Federal Revenues from Limiting Participation in the FCC 600 MHz Spectrum Auction,” with Philip Haile and Maya Meidan, Commissioned by AT&T, October 30, 2013.
- “The Definition of Small Business in the Marketplace Fairness Act of 2013,” Commissioned by eBay, Inc., October 8, 2013.
- “The Benefits of Patent Settlements: New Survey Evidence on Factors Affecting Generic Drug Investment,” with Bret Dickey, Commissioned by the Generic Pharmaceutical Association, July 23, 2013.
- “The Liftoff of Consumer Benefits from the Broadband Revolution,” with Mark Dutz and Robert D. Willig, *Review of Network Economics*, Volume 11, Issue 4, Article 2, 2012.
- “Antitrust Guidelines for Private Purchasers Engaged in Value Purchasing of Health Care,” with Tim Muris and Bilal Sayyed, Commissioned by Buying Value, July 2012.
- “The Economic Benefits of Pharmacy Benefit Managers,” with Kevin Green, Commissioned by Express Scripts and Medco, December 5, 2011.
- “An Analysis of the Benefits of Allowing Satellite Broadband Providers to Participate Directly in the Proposed CAF Reverse Auctions,” with Bryan Keating, Commissioned by ViaSat, Inc., April 18, 2011.
- “A Preliminary Economic Analysis of the Budgetary Effects of the Proposed Restrictions on ‘Reverse Payment’ Settlements,” with Bret Dickey and Robert D. Willig, August 10, 2010.
- “An Economic Assessment of Patent Settlements in the Pharmaceutical Industry,” with Bret Dickey and Laura Tyson, Volume 10, Issue 2, *Annals of Health Law*, Winter 2010.
- “An Economic Analysis of Consumer Harm from the Current Retransmission Consent Regime,” with Michael Katz and Theresa Sullivan, Commissioned by the National Cable & Telecommunications Association, DIRECTV, and DISH Network, November 12, 2009.
- “Intellectual Property and Innovation: New Evidence on the Relationship Between Patent Protection, Technology Transfer, and Innovation in Developing Countries,” with Mark Dutz and Antara Dutta, October 2009.
- “Intellectual Property and Innovation: A Literature Review of the Value of Patent Protection for Developing Countries,” with Mark Dutz and Antara Dutta, October 2009.
- “An Economic Perspective on the Antitrust Case Against Intel,” with Robert D. Willig and Gilad Levin, October 2009.
- “The Substantial Consumer Benefits of Broadband Connectivity for U.S. Households,” with Mark Dutz and Robert D. Willig, July 2009.
- “An Economic Assessment of the Homeowners’ Defense Act of 2009,” with Doug Fontaine, July 2009.
- “A Preliminary Economic Analysis of FTC Chairman Leibowitz’s June 23<sup>rd</sup> Speech,” with Robert D. Willig, June 24, 2009.
- “Assessment of Microsoft’s Behaviour in the Browser Market,” with Assaf Eilat, Gilad Levin, Andrea Lofaro, and Jan Peter van der Veer, Submitted to the Commission of the European Communities, COMP/C-3/39.530, May 27, 2009.
- “An Economic Perspective on the Microsoft Internet Explorer Tying Case,” with Assaf Eilat, Gilad Levin, Andrea Lofaro, and Jan Peter van der Veer, Submitted to the Commission of the European Communities, COMP/C-3/39.530, April 24, 2009.

- “The Empirical Effects of Collegiate Athletics: An Update Based on 2004-2007 Data,” with Mark Israel, February 2009.
- “An Econometric Analysis of the Matching Between Football Student Athletes and Colleges,” with Yair Eilat, Bryan Keating, and Robert D. Willig, January 2009.
- “An Economic Assessment of Regulating Credit Card Fees and Interest Rates,” with Susan H. Manning, October 2007.
- “An Assessment of the Competitive Effects of the SKY-Prime Merger: Lessons from the Recent News Corp.-DIRECTV Merger,” with Cristian Santesteban, Submitted to New Zealand Commerce Commission, January 23, 2006.
- “Closing the College Savings Gap,” with Peter R. Orszag and Jason Bordoff, November 2005.
- “Putting in Place An Effective Media Player and Media Server Remedy,” with Joseph E. Stiglitz, Submitted to the Korean Fair Trade Commission, October 10, 2005.
- “An Economic Analysis of Microsoft’s Tying of the Windows Media Player to the Windows Operating System and Its Impact on Consumers, Competition, and Innovation,” with Joseph E. Stiglitz, Submitted to the Korean Fair Trade Commission, September 12, 2005.
- “Economic Analyses of Microsoft’s Abusive Tie and Its Impact on Consumers, Competition, and Innovation,” with Joseph E. Stiglitz and Sangin Park, Submitted to the Korean Fair Trade Commission, September 12, 2005.
- “The Empirical Effects of Division II Intercollegiate Athletics,” with Peter R. Orszag, June 2005.
- “An Economic Analysis of Microsoft’s Abusive Tie and Its Impact on Consumers, Competition, and Innovation,” with Joseph E. Stiglitz and Jason Furman, Submitted to the European Court of First Instance, Case T-201/04 R, May 12, 2005.
- “The Physical Capital Stock Used in College Athletics,” with Peter R. Orszag, April 2005.
- “The Empirical Effects of Collegiate Athletic Spending: An Update,” with Peter R. Orszag, April 2005.
- “Putting in Place An Effective Media Player Remedy,” with Joseph E. Stiglitz, Submitted to the Commission of the European Communities, April 27, 2005.
- “The Empirical Effects of Collegiate Athletic Spending: An Interim Report,” with Robert E. Litan and Peter R. Orszag, the National Collegiate Athletic Association and Sebago Associates, Inc., August 2003 (reprinted in *The Business of Sports*, edited by Scott Rosner and Kenneth Shropshire (Jones and Bartlett Publishers, 2004)).
- “Learning and Earning: Working in College,” with Peter R. Orszag and Diane M. Whitmore, *Journal of Student Employment*, Volume IX, Number 1, June 2003.
- “The Impact of Asbestos Liabilities on Workers in Bankrupt Firms,” with Joseph E. Stiglitz and Peter R. Orszag, *Journal of Bankruptcy Law and Practice*, Volume 12, Issue No. 1, February 2003.
- “The Process of Economic Policy-Making During the Clinton Administration,” with Peter R. Orszag and Laura D. Tyson, in *American Economic Policy in the 1990s*, edited by Jeffrey Frankel and Peter R. Orszag (Cambridge, Massachusetts: MIT Press, 2002).

- “The Implications of the New Fannie Mae and Freddie Mac Risk-Based Capital Standard,” with Joseph E. Stiglitz and Peter R. Orszag, *Fannie Mae Papers*, Volume I, Issue 2, March 2002 (reprinted in *Housing Matters: Issues in American Housing Policy*).
- “Hispanics and the Current Economic Downturn: Will the Receding Tide Sink Hispanics?” with Alan B. Krueger, Pew Hispanic Center, January 2002.
- “Aging in America: A Policy Perspective,” with Jonathan Gruber and Peter R. Orszag, The Pew Charitable Trusts and Sebago Associates, Inc., January 2002.
- “An Economic Analysis of Spectrum Allocation and Advanced Wireless Services,” with Martin N. Baily, Peter R. Orszag, and Robert D. Willig, Cellular Telecommunications and Internet Association and Sebago Associates, Inc., October 2001.
- “A New Look at Incentive Effects and Golf Tournaments,” in *The Economics of Sports*, edited by Andrew Zimbalist (London: Edward Elgar Publishing, 2001). Original version in *Economics Letters*, 46, March 1994, p. 77-88.
- “Learning and Earning: Working in College,” with Peter R. Orszag and Diane M. Whitmore, UPromise, Inc. and Sebago Associates, Inc., August 2001.
- “The Impact of Potential Movie and Television Industry Strikes on the Los Angeles Economy,” with Ross C. DeVol, Joel Kotkin, Peter R. Orszag, Robert F. Wescott, and Perry Wong, The Milken Institute and Sebago Associates, Inc., April 19, 2001.
- “Would Raising IRA Contribution Limits Bolster Retirement Security for Lower- and Middle-Income Families?” with Peter R. Orszag, Center on Budget and Policy Priorities, April 2, 2001.
- “Computers in Schools: Domestic and International Perspectives,” California Technology, Trade, and Commerce Agency and Sebago Associates, Inc., March 2001.
- “The Impact of Paying for College on Family Finances,” with Laura D. Tyson, Joseph E. Stiglitz, and Peter R. Orszag, UPromise, Inc. and Sebago Associates, Inc., November 2000.
- “A Simple Analysis of Discarded Votes by Precinct in Palm Beach,” with Peter R. Orszag, Sebago Associates, Inc., November 10, 2000.
- “Analysis of Votes for Buchanan by Precinct within Palm Beach and Broward Counties,” with Peter R. Orszag, Sebago Associates, Inc., November 9, 2000.
- “A Statistical Analysis of the Palm Beach Vote,” with Peter R. Orszag, Sebago Associates, Inc., November 8, 2000.
- “The Role of Government in a Digital Age,” with Joseph E. Stiglitz and Peter R. Orszag, Computer and Communications Industry Association and Sebago Associates, Inc., October 2000.
- “Quantifying the Benefits of More Stringent Aircraft Noise Regulations,” with Peter R. Orszag, Northwest Airlines and Sebago Associates, Inc., October 2000.
- “All That Glitters Is Not Gold: The Feldstein-Liebman Analysis of Reforming Social Security with Individual Accounts,” with Peter R. Orszag, Center on Budget and Policy Priorities, April 26, 2000.
- “Would Raising IRA Contribution Limits Bolster Retirement Security For Lower- and Middle-Income Families or Is There a Better Way?” with Peter R. Orszag, Center on Budget and Policy Priorities, April 12, 2000.

- “The Economics of the U.S.-China Air Services Decision,” with Peter R. Orszag, and Diane M. Whitmore, United Parcel Service and Sebago Associates, Inc., March 2000.

**OP-EDS/LETTERS TO THE EDITOR:**

- “Hitting Budget Numbers May Be Up for Auction,” *Roll Call*, December 19, 2013.
- “Jack Welch Could Help Improve U.S. Jobs Data,” with Peter R. Orszag, *Bloomberg*, October 9, 2012.
- “Giving Credit Where Credit Is Due,” *The Hill*, December 2, 2011.
- “PBMs Save Us Billions,” *The Hill*, November 28, 2011.
- “Drug Patent Settlements,” with Robert D. Willig, *New York Times*, July 19, 2010.
- “Homeowners Defense Act Could Lower Insurance Premiums,” *Treasure Coast Palm*, September 24, 2009.
- “Katrina Teaches Us To Financially Prepare Today for the Catastrophe of Tomorrow,” *San Angelo Standard-Times*, September 23, 2009.
- “A Catastrophe Waiting To Happen,” *The Daily Citizen*, September 15, 2009.
- “Broadband: Now A ‘Necessity’,” *Multichannel News*, August 10, 2009.
- “Forget the Estate Tax: America Needs An Inheritance Tax,” *Ideas Primary*, January 23, 2008, available at <http://www.ideasprimary.com/?p=442>
- “Credit Where It’s Due,” *Wall Street Journal*, October 25, 2007.
- “Congress Grounds Delivery Competition,” Sebago Associates, Inc., April 17, 2003.
- “Paul O’Neill Doesn’t Cry for Argentina,” Sebago Associates, Inc., August 3, 2001.
- “Do You Recognize The Clinton West Wing in *The West Wing*?” *The Atlantic Monthly* Online, March 2001.

**SPEECHES AND PRESENTATIONS:**

- “Lessons from the DE&I Battlefield: What Lawyers and Economists Can Learn From Each Other,” Panelist at American Bar Association Session, July 8, 2021.
- Keynote, Investment Education Symposium in connection with the Louisiana Trustee Education Council (LATEC), New Orleans, Louisiana, February 28, 2019.
- “Challenges in the Negotiation of Remedies in Mergers & Acquisitions,” Panelist at IBRAC’s 24<sup>th</sup> Annual International Seminar on Competition Law,” Sao Paulo, Brazil, October 24, 2018.
- “Industry Professional Panel,” Panelist at Music Industry Research Association, Los Angeles, CA, June 26, 2018.
- “The Amex Decision: Turning the Tables?” Panelist at Concurrences Review and Fordham University School of Law, “Antitrust in the Financial Sector: Hot Issues & Global Perspectives,” New York, NY, May 3, 2018.

- “Views from the Trenches: Anthem/Cigna and Aetna/Humana,” Panelist at the 66<sup>th</sup> American Bar Association Section of Antitrust Law Spring Meeting, Washington, DC, April 11, 2018.
- “Consolidation Craze,” Moderator at UCLA Law Entertainment Symposium, “Progress is Paramount — Why Hollywood Will Always Matter,” Los Angeles, CA, March 24, 2018.
- “Setting the Stage: State Involvement in A Market Economy,” Panelist at Concurrences Review and New York University School of Law Conference on “Antitrust in Emerging and Developing Economies: Africa, Brazil, China, India, Mexico...,” New York, NY, October 23, 2015.
- “Office Superstores: What Changed in 15 Years?” Panelist on ABA Section of Antitrust Law, Economics and Mergers & Acquisitions Committees, Washington, DC, January 6, 2014.
- “Five Bars: Spectrum Policy and the Future of the Digital Economy,” Panelist at Third Way Briefing, House of Representatives, Washington, DC, December 11, 2013.
- “An Economic Perspective on Reverse Payment Settlements in the Pharmaceutical Sector,” Speech to the Generic Pharmaceutical Association 2013 Annual Meeting, Orlando, Florida, February 21, 2013.
- “Navigating Our Economic Challenges and the Role of Public Policy,” Speech to the South Carolina Manufacturers Alliance Fourth Annual Textile Summit, Spartanburg, South Carolina, January 10, 2013.
- “Upward Price Pressure and Merger Analysis: What Is UPP’s Proper Role and How Can UPP Deal With Real-World Issues?” Presentation to Gilbert + Tobin, Sydney, Australia, December 4, 2012.
- “Obama’s Second Term: What It Means for the U.S. and World Economies,” FTI Consulting, Inc., Brisbane, Australia, December 3, 2012.
- “Merger Substance: How to Conduct a Proper Analysis of a Merger’s Competitive Effects, and How to Frame Related Legal Standards?” Panelist at Antitrust in Asia, American Bar Association, New Delhi, India, December 1, 2012
- “Financial Issues in College Sports,” Panelist at the Third Annual Sports Law Symposium: What is the Proper Role of Sports in Higher Education?, Institute of Sports Law and Ethics, Santa Clara University, September 6, 2012.
- “Pricing and Bundling of IT Products: Drawing The Line Between Lawful and Unlawful Behaviour,” Panelist on GCR Live’s Antitrust and Technology 2012, London, England, March 14, 2012.
- “The Role of Economic Evidence in Cartel Enforcement,” Speaker on ABA Section of International Law Teleconference, February 28, 2012.
- “Reverse Payment Settlements in the Pharmaceutical Industry,” Presentation to the House Energy and Commerce Committee Staff, July 15, 2011.
- “Increased Government Intervention: The Good, The Bad, and the Ugly,” Panelist, Association of Management Consulting Firms, New York, NY, December 2, 2010.
- “The Economic Challenges and Trade-Offs Facing the Obama Administration,” Remarks to RBS Citizens, Boston, MA, June 8, 2010.
- “Competition Policy As Innovation Policy,” Panelist, Computer & Communications Industry Association, Washington DC, October 27, 2009.

- “State of the Market: Regulatory Evolution and Policy,” Moderator, Youth, I.N.C. and Piper Jaffray, New York, NY, September 29, 2009.
- “The Empirical Effects of Collegiate Athletics,” Presentation to the NCAA Leadership Advisory Board, Detroit, Michigan, April 4, 2009.
- “The Economic Challenges and Trade-Offs Facing the Obama Administration,” Remarks to the Junior Capital Group, Proskauer Rose, LLP, New York, NY, February 10, 2009.
- “Managing Communications During Unprecedented Economic Times,” Panelist, The California Club, Los Angeles, CA, January 27, 2009.
- Presentation to the Computer & Communications Industry Association’s Antitrust Summit on Innovation and Competition Policy in High-Tech Markets, Washington DC, October 24, 2008.
- Presentation to the Center for American Progress Action Fund Session on the “Avoiding the Pitfalls of Credit Card Debt,” Washington, DC, February 25, 2008.
- “Distribution Fund Planning and Management: Lessons Learned from the Global Research Analyst Settlement,” with Francis McGovern, Presentation to the Securities and Exchange Commission, Washington, DC, January 31, 2006.
- “The Empirical Effects of Division II Intercollegiate Athletics,” Presentation to the National Collegiate Athletic Association 2006 Annual Convention, Indianapolis, Indiana, January 8, 2006.
- “Rules of the Game: Defining Antitrust Markets in Cases Involving Sports,” Presentation to the Wilmer, Cutler, Pickering, Hale & Dorr Antitrust Lunch, Washington, DC, December 8, 2005.
- “Competition Policy, Antitrust, and The High-Tech Economy,” Keynote Address to the Computer & Communications Industry Association TechSummit 2005, Laguna Beach, CA, October 26, 2005.
- “The Empirical Effects of Division II Intercollegiate Athletics,” Presentation to the Division II Chancellors and Presidents Summit, Orlando, FL, June 25, 2005.
- “The Empirical Effects of Collegiate Athletic Spending: An Update and Extension,” Presentation to the President’s Task Force on the Future of Intercollegiate Athletics, Tucson, AZ, June 9-10, 2005.
- “The Empirical Effects of Collegiate Athletic Spending: An Update and Extension,” Presentation to the NCAA Division I Board of Directors, Indianapolis, IN, April 28, 2005.
- “An Analysis of Division II Athletic Expenditures: Preliminary Findings,” Presentation to the NCAA Division II Board of Directors, Indianapolis, IN, April 28, 2005.
- “An Analysis of Division II Athletic Expenditures: An Overview of Study Design,” Presentation to the National Collegiate Athletic Association 2005 Annual Convention, Grapevine, Texas, January 8, 2005.
- “The Empirical Effects of Collegiate Athletic Spending: An Interim Report,” Presentation to the National Association of State Universities and Land Grant Colleges Annual Conference, November 17, 2003.
- “The Impact of Asbestos Liabilities on Workers in Bankrupt Firms,” *South Texas Law Review*, “Symposium: Asbestos Litigation,” Fall 2003.

- “The Impact of Asbestos Liabilities on Workers in Bankrupt Firms,” Presentation to the Conference on “Understanding Asbestos Litigation: The Genesis, Scope, and Impact,” U.S. Chamber of Commerce, Washington, DC, January 23, 2003.
- “The Process of Economic Policy-Making During the Clinton Administration,” Presentation to the Conference on “American Economic Policy in the 1990s,” Center for Business and Government, John F. Kennedy School of Government, and Harvard University, Cambridge, MA, June 29, 2001.
- “The Impact of Paying for College on Family Finances,” Presentation to the Conference on “Funding Excellent Schools and Colleges for All Students,” National Conference of State Legislatures, Savannah, Georgia, February 17, 2001.
- “China and the Internet,” Remarks on Entertainment and the Internet in China at the EMASIA 2000 Forum, The Asia Society, Los Angeles, CA, May 23, 2000.
- “Is It The Star or Just an Extra? The Role Government Plays in a Digital Economy,” Remarks on the Regulation of Global Electronic Commerce at the eCommerce and Global Business Forum, The Anderson School at UCLA and the University of Washington Business School, Santa Cruz, CA, May 18, 2000.
- “Lessons Learned from the Emergency Loan Guarantee Programs,” Keynote Address at the Government Guaranteed Lending 2000 Conference, Coleman Publishing, Inc., May 4, 2000.
- “Don’t Just Think, Believe,” Remarks to the Assembly of Phillips Exeter Academy, Exeter, New Hampshire, February 9, 1999.

#### **TESTIMONY BEFORE REGULATORY AGENCIES/CONGRESS:**

- *In the Matter of Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended By the Cable Television Consumer Protection and Competition Act of 1992*, MB Docket No. 05-311, Before the Federal Communications Commission, December 14, 2018.
- “A Response to the Economic Report of Gregory Rosston and Anderzej Skrzypacz, ‘Using Auctions and Flexible-Use Licenses to Maximize the Social Benefits From Spectrum,’” with Maya Meidan, Before the Federal Communications Commission, GN Docket No. 14-177, November 9, 2017
- *Review of Commodity, Boxcar, and TOFC/COFC Exemptions*, Docket No. EP 704 (Sub-No 1), Before Surface Transportation Board, with Mark Israel (Verified Statement: July 26, 2016; Reply Verified Statement: August 26, 2016).
- *Division of Insurance Regulation v. Aetna, Inc. and Humana, Inc.*, In the Department of Insurance, Financial Institution, and Professional Registration, State of Missouri, (Case No. 160325191C), (Hearing Testimony: May 16, 2016).
- *In the Matter of AT&T Mobility, LLC v. Iowa Wireless Services, LLC*, in File No. EB-15-MD-007, Before the Federal Communications Commission (Declaration: October 21, 2015; Reply Declaration: February 5, 2016).
- *In the Matter of World Call Interconnect, Inc. v. AT&T Mobility LLC*, in File No. EB-14-MD-011, Before the Federal Communications Commission (Declaration: November 5, 2014).

- Hearing on “Pay-for-Delay Deals: Limiting Competition and Costing Consumers,” Testimony to the Senate Judiciary Committee, Subcommittee on Antitrust, Competition Policy, and Consumer Rights, July 23, 2013.
- Hearing on “The Express Scripts/Medco Merger: Cost Savings for Consumers or More Profits for the Middlemen?” Written Testimony to the Senate Judiciary Committee, Subcommittee on Antitrust, Competition Policy, and Consumer Rights, December 6, 2011.
- *In the Matter of Applications of AT&T Inc. and Deutsche Telekom AG For Consent To Assign or Transfer Control Licenses and Authorization*, in WT Docket No. 11-65, with Robert D. Willig and Jay Ezrielev, Submitted to the Federal Communications Commission, Commissioned by AT&T, June 9, 2011.
- “Response to Supplementary Comments of Hubert Horan,” Submitted to the Department of Transportation, *Joint Application of Delta Airlines, Inc.; Virgin Blue Airlines PTY LTD; Virgin Blue International Airlines PTY LTD d/b/a V Australia; Pacific Blue Airlines (NZ) LTD; and Pacific Blue Airlines (Aust) PTY LTD*, with Mark Israel, Bryan Keating, and Robert D. Willig, Docket DOT-OST-2009-0155, Commissioned by Delta Air Lines, October 22, 2010.
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**EXHIBIT 2**  
**FILED UNDER SEAL**

**EXHIBIT 3**  
**FILED UNDER SEAL**

**EXHIBIT 4**  
**FILED UNDER SEAL**

**EXHIBIT 5**  
**FILED UNDER SEAL**

**EXHIBIT 6**  
**FILED UNDER SEAL**

**EXHIBIT 7**  
**FILED UNDER SEAL**

**EXHIBIT 8**  
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**EXHIBIT 9**  
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**EXHIBIT 10**  
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**EXHIBIT 11**  
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**EXHIBIT 12**  
**FILED UNDER SEAL**

**EXHIBIT 13**  
**FILED UNDER SEAL**

**EXHIBIT 14**  
**FILED UNDER SEAL**